

HOUSE BILL 855

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E4

2004 Regular Session
(41r0994)

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Chairman, Environmental Matters Committee (By Request -
Departmental - State Police and Public Safety and Correctional
Services)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Commercial Driver's License - Hazardous Materials**
3 **Endorsement - Criminal History Records Checks**

4 FOR the purpose of requiring the operator of a commercial motor vehicle placarded
5 for hazardous materials to obtain a criminal history records check before the
6 Motor Vehicle Administration may issue an endorsement of the operator's
7 license to drive the vehicle; prohibiting the Administration from issuing a
8 hazardous materials endorsement without a certain approval; specifying certain
9 procedures and fees to obtain criminal history records checks for operators
10 requesting certain endorsements; authorizing an operator's employer to pay
11 certain fees; defining a certain term; authorizing the dissemination of certain
12 information to certain agencies; authorizing the Criminal Justice Information
13 System Central Repository to collect certain fees; authorizing the adoption of
14 certain regulations; providing that certain information obtained from the
15 Central Repository is confidential and may be used only for a certain purpose;

1 authorizing the subject of a criminal history records check to contest certain
2 information; and generally relating to commercial drivers' licenses and criminal
3 history records checks for hazardous materials endorsements.

4 BY repealing and reenacting, with amendments,
5 Article - Transportation
6 Section 16-815
7 Annotated Code of Maryland
8 (2002 Replacement Volume and 2003 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Transportation**

12 16-815.

13 (a) (1) A Class A commercial driver's license authorizes the licensee to drive
14 the following motor vehicles and combinations of motor vehicles:

15 (i) Any combinations of vehicles with a gross combination weight of
16 26,001 or more pounds if the GVW of the vehicles being towed is in excess of 10,000
17 pounds; and

18 (ii) Any vehicle or combination of vehicles that a Class B
19 commercial driver's license authorizes its holder to drive.

20 (2) An individual who is issued a Class A commercial driver's license
21 under this subsection may not drive or attempt to drive a motor vehicle on any
22 highway in this State unless a Class A commercial driver's license or an appropriately
23 endorsed Class A commercial driver's license authorizes the individual to drive a
24 vehicle of the class that the individual is driving or attempting to drive.

25 (b) (1) A Class B commercial driver's license authorizes the licensee to drive
26 the following motor vehicles and combinations of motor vehicles:

27 (i) Any single vehicle with a gross vehicle weight (GVW) of 26,001
28 or more pounds;

29 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
30 GVW; and

31 (iii) Any vehicle that a Class C commercial driver's license
32 authorizes its holder to drive.

33 (2) An individual who is issued a Class B commercial driver's license
34 under this subsection may not drive or attempt to drive a motor vehicle on any
35 highway in this State unless a Class B commercial driver's license or an appropriately

1 endorsed Class B commercial driver's license authorizes the individual to drive a
2 vehicle of the class that the individual is driving or attempting to drive.

3 (c) (1) A Class C commercial driver's license authorizes the licensee to drive
4 the following motor vehicles and combinations of motor vehicles:

5 (i) Any single vehicle less than 26,001 pounds gross vehicle weight
6 (GVW);

7 (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds
8 GVW; and

9 (iii) Any vehicle which a noncommercial Class C driver's license
10 authorizes its holder to drive, except for motorcycles.

11 (2) An individual who is issued a Class C commercial driver's license
12 under this subsection may not drive or attempt to drive a motor vehicle on any
13 highway in this State unless a Class C commercial driver's license or an appropriately
14 endorsed Class C commercial driver's license authorizes the individual to drive a
15 vehicle of the class that the individual is driving or attempting to drive.

16 (d) (1) A commercial driver's instructional permit authorizes the holder to
17 operate commercial motor vehicles of Class A, B, and C subject to the conditions of
18 Subtitle 1 of this title.

19 (2) An instructional permit is not a license within the meaning of the
20 single license restriction placed upon drivers of commercial motor vehicles.

21 (e) (1) In addition to the requirements contained in subsections (a), (b), and
22 (c) of this section, an operator must obtain State-issued endorsements of an
23 operator's commercial driver's license to operate commercial motor vehicles which
24 are:

25 (i) Double/triple trailers;

26 (ii) Vehicles designed to transport 16 or more passengers including
27 the driver (passenger vehicles);

28 (iii) School buses; OR

29 (iv) Tank vehicles[; or

30 (v) Required to be placarded for hazardous materials].

31 (2) A school bus endorsement authorized under this subsection is also an
32 endorsement for vehicles designed to transport 16 or more passengers including the
33 driver (passenger vehicles).

34 (F) (1) IN ADDITION TO THE REQUIREMENTS CONTAINED IN SUBSECTIONS
35 (A), (B), AND (C) OF THIS SECTION, AN OPERATOR MUST OBTAIN A STATE-ISSUED
36 ENDORSEMENT OF AN OPERATOR'S COMMERCIAL DRIVER'S LICENSE TO OPERATE A

1 COMMERCIAL MOTOR VEHICLE THAT IS REQUIRED TO BE PLACARDED FOR
2 HAZARDOUS MATERIALS.

3 (2) BEFORE AN OPERATOR CAN OBTAIN A STATE-ISSUED
4 ENDORSEMENT UNDER THIS SUBSECTION, THE OPERATOR SHALL APPLY TO THE
5 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY FOR A NATIONAL
6 AND STATE CRIMINAL HISTORY RECORDS CHECK.

7 (3) THE ADMINISTRATION MAY NOT ISSUE A HAZARDOUS MATERIALS
8 ENDORSEMENT OF A COMMERCIAL DRIVER'S LICENSE WITHOUT THE APPROVAL OF
9 THE TRANSPORTATION SECURITY ADMINISTRATION OF THE FEDERAL DEPARTMENT
10 OF HOMELAND SECURITY.

11 (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
12 SERVICES AND THE DIRECTOR OF THE CRIMINAL JUSTICE INFORMATION SYSTEM
13 CENTRAL REPOSITORY, IN CONSULTATION WITH THE ADMINISTRATION, MAY ADOPT
14 REGULATIONS TO CARRY OUT THIS SECTION.

15 (G) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
16 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
17 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

18 (2) AN OPERATOR REQUESTING A STATE-ISSUED ENDORSEMENT
19 UNDER SUBSECTION (F) OF THIS SECTION SHALL APPLY TO THE CENTRAL
20 REPOSITORY FOR A NATIONAL AND A STATE CRIMINAL HISTORY RECORDS CHECK.

21 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
22 CHECK, THE OPERATOR SHALL SUBMIT TO THE CENTRAL REPOSITORY:

23 (I) TWO COMPLETE SETS OF THE OPERATOR'S LEGIBLE
24 FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL
25 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

26 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
27 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

28 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
29 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
30 RECORDS CHECK.

31 (4) (I) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE
32 OPERATOR FOR THE FEES PAID UNDER PARAGRAPH (3)(II) AND (III) OF THIS
33 SUBSECTION.

34 (II) THE OPERATOR'S EMPLOYER MAY PAY THE FEES OR
35 REIMBURSE THE OPERATOR FOR THE FEES REQUIRED UNDER PARAGRAPH (3)(II)
36 AND (III) OF THIS SUBSECTION.

37 (4) (5) (I) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE
38 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO

1 THE OPERATOR AND THE TRANSPORTATION SECURITY ADMINISTRATION OF THE
2 FEDERAL DEPARTMENT OF HOMELAND SECURITY, A PRINTED STATEMENT OF THE
3 OPERATOR'S CRIMINAL HISTORY RECORD INFORMATION.

4 (II) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO
5 THE CENTRAL REPOSITORY AFTER THE DATE OF THE CRIMINAL HISTORY RECORDS
6 CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE TRANSPORTATION
7 SECURITY ADMINISTRATION OF THE FEDERAL DEPARTMENT OF HOMELAND
8 SECURITY AND THE OPERATOR A REVISED PRINTED STATEMENT OF THE
9 OPERATOR'S CRIMINAL HISTORY RECORD INFORMATION.

10 ~~(5)~~ (6) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
11 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE
12 ADMINISTRATION SHALL VERIFY PERIODICALLY A LIST OF OPERATORS OF
13 COMMERCIAL MOTOR VEHICLES THAT ARE REQUIRED TO BE PLACARDED FOR
14 HAZARDOUS MATERIALS.

15 ~~(6)~~ (7) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
16 UNDER THIS SECTION SHALL BE:

17 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

18 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

19 ~~(7)~~ (8) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
20 UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED
21 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE
22 CRIMINAL PROCEDURE ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2004.